

dh



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,100	02/09/2004	Arthur Richard Powers Jr.	P-0301 ARP	2099
28752	7590	06/07/2006		
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			EXAMINER LE, HUYEN D	
			ART UNIT 2615	PAPER NUMBER

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,100	POWERS, ARTHUR RICHARD	
	Examiner	Art Unit	
	HUYEN D. LE	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-35 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☐ Claim(s) ____ is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☒ Claim(s) 1-35 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, drawn to a speaker system comprising a cylindraceous body unit that comprises a speaker, and a rear cover unit defining a single opening and a respective enclosed space in which a medium of electro-mechanical energy absorption disposed in, wherein the total length of the speaker system is defined along the first axis and is the same as or greater than a maximum diameter of the speaker system along the axis, classified in class 381, subclass 189.
 - II. Claims 12-20, drawn to a speaker system comprising a central body unit, a clamping means for forming at least a substantially watertight or a substantially sound-tight seal and quick-release connection between the body unit and the rear cover, and a maximum diameter of the speaker system being a maximum diameter of the rear cover unit classified in class 381, subclass 395.
 - III. Claims 21-25, drawn to a computer controlled stage speaker system that comprises at least one speaker system, at least one multiparameter lighting unit system and computer control means, classified in class 315, subclass 292.
 - IV. Claim 26, drawn to a method of mounting at least one stage speaker system that comprises the steps of selecting the stage speaker system including a heat sink element or a heat radiation coating, and operably connecting the stage speaker system to a computer control system, classified in class 315, subclass 312.

- V. Claim 27, drawn to a speaker system comprising a body unit, clamping unit and means for controlling positioning the speaker system relative to at least one external fixture plane, classified in class 381, subclass 387.
- VI. Claim 28, drawn to a construction of the cylindrical openings of a body unit, a rear cover and a shielding unit of a stage speaker system, classified in class 381, subclass 391.
- VII. Claims 29-32, drawn to a construction of the combination of a speaker unit and a multi-parameter stage lighting unit, classified in class 315, subclass 294.
- VIII. Claims 33-35, drawn to a stage speaker system comprising a body unit, a rear cover unit, a shielding unit, and at least one of a heat sink element, a heat radiation coating and a heat radiation element on at least first external surface of a body unit, a rear cover unit and the shielding unit classified in class 381, subclass 397.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Group I and Groups VII-VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination of the computer control means has separate utility such as means for initiating at least one of a sound generation, a sound synthesis and a sound reproduction of a digital signal or analog signal according to a programmable and updatable computer controlled sequence stored in the computer control means, or the

subcombination of the body unit has separate utility such as a shielding unit bounding the third cylindrical openings that are coaxial to each of the first and second cylindrical openings of the body cover and the rear cover, respectively etc. See MPEP § 806.05(d).

3. Because these inventions are independent or distinct for the reasons given above, the inventions require a different field of search (see MPEP § 808.02), have acquired a separate status in the art in view of their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL
June 5, 2006



HUYEN LE
PRIMARY EXAMINER